

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

EDMOND GASAWAY §
VS. § CIVIL ACTION NO. 1:20cv483
T. JUSINO §

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Petitioner Edmond Gasaway, an inmate confined in the Federal Correctional Institution at Victorville, California ("FCI-Victorville"), filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is incarcerated pursuant to convictions from this court.

A petition filed pursuant to Section 2241 must be filed in the judicial district where the petitioner is incarcerated. *United States v. Gabor*, 905 F.2d 76, 78 (5th Cir. 1990).¹ FCI-Victorville is located in San Bernadino County, which is in the Eastern Division of the Central District of California. As petitioner is not confined within the Eastern District of Texas, this court lacks jurisdiction over his petition. Accordingly, this petition will be transferred to the Eastern Division of the United States District Court for the Central District of California.

ORDER

For the reasons set forth above, it is **ORDERED** that this petition for writ of habeas corpus is **TRANSFERRED** to the Eastern Division of the United States District Court for the Central District of California.

SIGNED this the 23rd day of December, 2020.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE

¹ Pursuant to 28 U.S.C. § 2241(d), an application for a writ of habeas corpus filed by a person incarcerated pursuant to judgment of a state court may be filed in the federal judicial district where the petitioner is incarcerated or the district in which he was convicted. However, petitioner is not incarcerated pursuant to a state court judgment.